

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSE LUIS CASABLANCA,
Defendant.

Case No. CR 20-135-RSL

**ORDER GRANTING
SECOND UNOPPOSED
MOTION TO CONTINUE
TRIAL AND PRETRIAL
MOTIONS DATES**

This matter comes before the Court on defendant's "Second Unopposed Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 41. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 42, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that in December, the government provided defense with additional discovery, that defendant's co-defendant pled guilty in late January, which likely changes defendant's potential strategy, that defense counsel intends to meet with defendant in-person to review the discovery and discuss the case, and that defense counsel has not had the opportunity to safely meet with defendant in-person due to COVID-19 issues. Dkt. # 41. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 2. Considering the recommendations made by the Centers for Disease Control and
2 Prevention (“CDC”) and Public Health for Seattle and King County regarding social distancing
3 measures and restrictions required to stop the spread of disease, at this time it is not possible to
4 proceed with a jury trial in this case. See W.D. Wash. Gen. Order Nos. 15-20, 18-20. Due to the
5 Court’s reduced ability to obtain an adequate spectrum of jurors, and the impact of the
6 aforementioned public health recommendations on Court operations, the Court finds that a
7 failure to continue the trial date in this case would likely result in a miscarriage of justice, as set
8 forth in 18 U.S.C. § 3161(h)(7)(B)(i).

9 3. The Court finds that the additional time requested between March 29, 2021 and the
10 proposed trial date of September 20, 2021, is a reasonable period of delay, as the defendant has
11 requested more time to prepare for trial. The Court finds that this additional time is necessary to
12 provide defense counsel reasonable time to prepare for trial, considering counsel’s schedule and
13 all of the facts set forth above.

14 4. The Court further finds that this continuance would serve the ends of justice, and that
15 these factors outweigh the best interests of the public and defendant in a speedier trial, within
16 the meaning of 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen. Order Nos. 15-20, 18-20.

17 5. Defendant has executed a waiver indicating that he has been advised of his right to a
18 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
19 that right and consented to the continuation of his trial to a date up to and including October 11,
20 2021, Dkt. # 42, which will permit his trial to start on September 20, 2021.

21 IT IS HEREBY ORDERED that the trial date shall be continued from March 29, 2021, to
22 September 20, 2021, and pretrial motions are to be filed no later than August 16, 2021.

23 IT IS FURTHER ORDERED that the period of time from the current trial date of March
24 29, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy
25 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of
26 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
27 (h)(7)(A), and (h)(7)(B)(i), (iv).

28 IT IS SO ORDERED.

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1 DATED this 25th day of February, 2021.
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Robert S. Lasnik
United States District Judge

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